

PCT

70403 U.S. PTO
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ABOXPCT
Page 1 of 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING NATIONAL PHASE OF
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

To: The Commissioner of Patents
 and Trademarks
 Washington, D.C. 20231 (Our Deposit Account No. 03-3975
 (Our Order No. 51079 / 236841
 C# / M#

TRANSMITTAL LETTER TO THE UNITED STATES
 DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty. Dkt. 236841 / BO 41089-MKZ/ACW
 M# / Client Ref.

From: Cushman Darby & Cushman Date: February 27, 1997

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

1. International Application 2. International Filing Date 3. Earliest Priority Date Claimed

PCT / NL95 /00292 <small>↑ country code</small>	30 August 1995 <small>Day MONTH Year</small>	31 August 1994 <small>Day MONTH Year</small> <small>(use item 2 if no earlier priority)</small>
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Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a) [] 20 months from above item 3 date (b) [XX] 30 months from above item 3 date

(c) Therefore, the due date (unextendable) is February 28, 1997.

Title of Invention GRADUAL MODIFICATION, SUPER AGONISTS AND ANTAGONISTS OF SIGNAL-PROTEINS AND PEPTIDES

6. Inventor(s) SMIT, Victor et al

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. [X] Please immediately start national examination procedures (35 U.S.C. 371(f)).

8. [] A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:

- a. [] Request;
- b. [] Abstract;
- c. _____ pgs. Spec. and Claims;
- d. _____ sheet(s) Drawing which are [] informal [] formal of size [] A4 [] 13" [] 14"

9. [X] A copy of the International Application has been transmitted by the International Bureau.

10. A translation of the International Application into English (35 U.S.C. 371(c)(2))

- a. [XX] is transmitted herewith including: (1) [] Request; (2) [] Abstract;
 (3) 28 pgs. Spec. and Claims;
 (4) 5 sheet(s) Drawing which are:
 [XX] Informal [] formal of size [] A4 [] 11"
- b. [] is not required, as the application was filed in English.
- c. [] is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- d. [] Translation verification attached (not required now).

11. [X] **PLEASE AMEND** the specification before its first line by inserting as a separate paragraph:

Al
 --This application is the national phase of international application PCT / NL95/00292,
 filed August 30, 1995 which designated the U.S.--

12. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., b f r 18th month from first priority date above in Item 3, are transmitted herewith (file if in English but, if in foreign language, file only if not transmitted by the International Bureau) including:

13. PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau.

14. Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in Item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered cancelled).

15. **A declaration of the Inventor (35 U.S.C. 371(c)(4))**

- a. Is submitted herewith Original Facsimile/Copy
- b. Is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.

16. **An International Search Report (ISR):**

- a. Was prepared by European Patent Office Japanese Patent Office Other
- b. has been transmitted by the International Bureau to PTO.
- c. copy herewith (1 pg(s).) plus Annex of family members (1 pg(s).).

17. **International Preliminary Examination Report (IPER):**

- a. has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.
- b. copy herewith in English
- c.1 IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:
- c.2 Specification/claim pages # _____ Drawing Sheets # _____
- c.3 Which resulted in cancellation of pages # _____ claims # _____
Dwg Sheets # _____
- d. Translation of Annex(es) to IPER (required by 30th month due date, or else annexed amendments will be considered cancelled).

18. **Information Disclosure Statement including:**

- a. Attached Form PTO-1449 listing documents
- b. Attached copies of documents listed on Form PTO-1449
- c. A concise explanation of relevance of ISR references is given in the ISR.

19. Assignment document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.

20. Copy of Power to IA agent.

21. Drawings: _____ sheet(s) per set: 1 set Informal; Formal of size A4 11"

22. _____ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27

23. Priority is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the International stage based on the filing in (country) HOLLAND of:

Application No.	Filing Date	Application No.	Filing Date
(1) 9401404	August 31, 1994	(4) _____	_____
(2) 1000332	May 10, 1995	(5) _____	_____
(3) _____	_____	(6) _____	_____

a. See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.

b. Copy of Form PCT/IB/304 attached.

24. Attached:

25. Preliminary Amendment: Cancel claims "1 to 53" and add claims "54 to 83" (see attached pages 1-6)

25.5 Per item 17.c3, canc 1 original pages # _____, claims # _____, Drawing Sheets # _____26. Calculation of th U.S. National F (35 U.S.C. 371 (c)(1)) and other fees is as f ll ws:
based on amended claim(s) per above item(s) [] 12, [] 14, [] 17, ~~[] 25~~ [] 25.5 (hilite)

TOTAL EFFECTIVE CLAIMS	<u>33</u>	- 20 =	<u>* 13</u>	x	\$ 22/\$11	=	\$ <u>286.00</u>	<small>(868/867)</small>
INDEPENDENT CLAIMS	<u>4</u>	- 3 =	<u>* 1</u>	x	\$ 80/\$40	=	\$ <u>80.00</u>	<small>(864/865)</small>

*If answer <0, enter "0"

If any proper (ignore improper) MULTIPLE DEPENDENT CLAIM is present, ----- add \$260/\$130 + 260.00 (868/869)BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)):-----**BASIC FEE REQUIRED, NOW** -----A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL or "NZ"

See item 16 re:

1. Search Report was <u>not</u> prepared by EPO or JPO -----	add \$1040/\$520 + <u>520.00</u>	<small>(868/861)</small>
2. Search Report was prepared by EPO or JPO -----	add \$910/\$455 + <u>910.00</u>	<small>(869/867)</small>

SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL" or "NZ"

B. If neither international search fee nor international preliminary examination fee was paid to <u>USPTO</u> , -----	add \$1040/\$520 + <u>520.00</u>	<small>(868/861)</small>
C. If international search fee was paid to <u>USPTO</u> but not international preliminary examination fee, -----	add \$770/\$385 + <u>385.00</u>	<small>(868/869)</small>
D. If international preliminary examination fee was paid to <u>USPTO</u> -----	add \$700/\$350 + <u>350.00</u>	<small>(868/867)</small>
E. If international preliminary examination fee was paid to <u>USPTO</u> and Rules 492(a)(4) and 496(b) <u>satisfied</u> , -----	add \$96/\$48 + <u>48.00</u>	<small>(868/863)</small>

27. **SUBTOTAL** = \$ 1,536.0028. If Assignment box 19 above is X'd, add Assignment Recording fee of ----- \$40.00 + 40.00 (581)29. Attached is a check to cover the ----- **TOTAL FEES** \$ 1,576.00

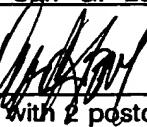
CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Cushman Darby & Cushman
Intellectual Property Group of
Pillsbury Madison & Sutro LLP**

1100 New York Avenue
Ninth Floor, East Tower
Washington, D.C. 20005-3918
Tel: (202) 861-3000
Atty/Sec:CGL:mhn

By Atty: Carl G. Love Reg. No. 18,781
Fax: (202) 822-0944

Sig:  Tel.: (202) 861-3518

NOTE: File in duplicate with 2 postcard receipts (CDC-103) & attachments.

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.

108/807,506

SHTT

FIRST NAMED APPLICANT

ATTY. DOCKET NO

236841/BO410

INTERNATIONAL APPLICATION NO.

PCT/NL95/00292

I.A. FILING DATE

PRIORITY DATE

08/30/95

08/31/94

DATE MAILED: 01/13/98

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

27 FEB 1997

35 U.S.C. 102(e) DATE

27 FEB 1997

DATE OF RECEIPT OF
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the International application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group A12 Unit designated thereon.

3. A request for immediate examination under 35 U.S.C. 371(f) was received on 27 FEB 1997 and the application will be examined in turn.

4. The following items have been received:

 U.S. Basic National Fee. Copy of the international application in: a non-English language. English. Translation of the international application into English. Oath or Declaration of inventors(s) for DO/EO/US. Copy of Article 19 amendments. Translation of Article 19 amendments into English.The Article 19 amendments have have not been entered. The International Preliminary Examination Report in English and its Annexes, if any. Translation of Annexes to the International Preliminary Examination Report into English.The Annexes have have not been entered. Preliminary amendment(s) filed 27 FEB 1997 and _____. Information Disclosure Statement(s) filed _____ and _____. Assignment document. Power of Attorney and/or Change of Address. Substitute specification filed _____. Verified Statement Claiming Small Entity Status. Priority Document. Copy of the International Search Report and copies of the references cited therein. Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Karen McLean

(703) 308-9117

PCT International Division